

# **COMMUNITY CARE LICENSING DIVISION**

*"Promoting Healthy, Safe and  
Supportive Community Care"*

## **TECHNICAL SUPPORT PROGRAM**

### **Self-Assessment Guide GUIDELINES TO WAIVERS, EXCEPTIONS AND EXEMPTIONS**



**CDSS**

CALIFORNIA  
DEPARTMENT OF  
SOCIAL SERVICES

# TECHNICAL SUPPORT PROGRAM

## GUIDELINES TO WAIVERS, EXCEPTIONS AND EXEMPTIONS

Facilities are required to maintain compliance with regulations at all times. In some instances, licensees may wish to use alternative methods which, while not in strict compliance with regulatory requirements, meet the intent of the regulations and allow for more effective operation of the facility. In these cases Community Care Licensing (CCL) may issue waivers, exceptions or exemptions to regulations.

### DEFINITIONS

**WAIVERS** - These are requests to waive a particular regulation on a facilitywide basis. They are not tied to a specific individual and may remain in effect regardless of changes in clients and staff.

**EXAMPLE** - Regulations do not allow facilities to prevent clients from leaving the premises or to lock clients in any room, building, etc. This does not prevent facilities from establishing house rules regarding locking the doors at night for the protection of residents, nor does it prohibit, with permission of the licensing agency, the barring of windows against intruders. If a facility wants to bar the windows for protection, a waiver to the regulation would be required.

**EXCEPTIONS** - These are requests to make an exception to the regulations for a specific staff or client based upon the unique needs or circumstances of that individual. The regulation in question will still apply to all other residents and staff in the facility.

**EXAMPLE** - Adult Residential Facilities are licensed for clients from the ages of 18 through 59. If the facility wished to retain a client when he/she turned 60, an exception would be needed.

**EXEMPTIONS** - These are requests to allow an employee with a criminal conviction to work in a facility. An exemption is granted for a particular employee and specific conviction(s). Some convictions are prohibited from exemption by law.

**EXAMPLE** - Regulations/statutes prohibit employees of facilities from having criminal records. If a facility wishes to hire an employee who has been convicted of a crime (e.g. shoplifting, burglary, assault), an exemption from the regulations/statutes would be needed.

## MAKING REQUESTS FOR WAIVERS/EXCEPTIONS

Waivers and exceptions must be approved before the facility implements the practice described in the request. A facility that operates in violation of any regulation without an approved waiver or exception is subject to citation.

Requests for waivers and exceptions must be made in writing to the District Office (DO) responsible for licensing the facility. They must also be signed by the licensee or their designated representative.

The information required for the Licensing Program Analyst (LPA) to evaluate the request will vary depending on the nature of the waiver or exception. At a minimum, the request will need to provide information to demonstrate how the proposed alternative will meet the intent of the regulation. It is best to contact the LPA prior to submitting the request to determine exactly what information will need to be submitted.

## MAKING REQUESTS FOR EXEMPTIONS

Requests for exemptions will be handled by the Criminal Records Clearance Section (CRCS). The CRCS will notify the licensee when an exemption is required and advise them as to what information will be needed to evaluate the request. They will also advise the licensee as to whether or not the employee may continue to work in the facility pending evaluation of the exemption request.

NOTE - If the licensee learns that an employee has a conviction prior to being contacted by CRCS, he/she should notify the facility's LPA for direction on how to proceed.

## MISCELLANEOUS

- Waivers, exceptions and exemptions are issued for a specific client, staff or facility. They are not transferable even between facilities owned by the same licensee.
- Waivers, exceptions and exemptions are subject to review and may be revoked if they do not provide adequate protections for clients or if conditions placed on the approval are not being met.